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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/816,065 | 03/31/2004 | Futoshi Kobayashi | CFA00073US | 8901 |
| 7590 Canon U.S.A. Inc. Intellectual Property Department 15975 Alton Parkway Irvine, CA 92618-3731 | | | EXAMINER THOMAS, BRANDI N | |
| | | | ART UNIT 2873 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
| 3 MONTHS | 03/07/2007 | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/816,065 | KOBAYASHI, FUTOSHI |
| | Examiner Brandi N. Thomas | Art Unit 2873 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 December 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6 and 7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinokawa (6599035 B2) in view of Shimazaki et al. (5748934).

Regarding claim 6, Ichinokawa discloses in figures 1-3, an imaging system (100) comprising: a holding unit (1a) holding an image picking-up device (37) that receives light from a subject and generates a signal (col. 4, lines 66-67 and col. 5, lines 1-3 and 9-11); a driving unit (23) configured to drive a driven member (col. 5, lines 25-29), the driving unit being arranged closer to the subject side than the holding unit (1a) (col. 5, lines 25-29); and a bar-shaped guide member (11) guiding a guided member (col. 4, lines 13-23), the guide member (11) being arranged closer to the subject side than the holding unit (1a) and movable relatively to the holding unit (1a) in the direction of the optical axis (col. 3, lines 38-43), wherein the holding unit (1a) includes an overhang portion holding the image picking-up device (37) in the direction of the subject side on the optical axis (col. 4, lines 66-67 and col. 5, lines 1-3 and 9-11); but does not specifically disclose wherein the driving unit is movable relatively to the holding unit in the direction of an optical axis and the driving unit and the guide member are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the driving unit and the guide member come relatively close to the holding unit. Shimazaki et al. discloses, in figure

1, wherein the driving unit (10) is movable relatively to the holding unit (11) in the direction of an optical axis (col. 3, lines 27-31 and 57-62) and the driving unit (10) and the guide member (31 and 32) are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the driving unit and the guide member come relatively close to the holding unit (11) (col. 2, lines 24-34 and col. 3, lines 62-67). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Ichinokawa with the driving unit of Shimazaki et al. for the purpose of moving the holding unit in the optical axis direction (col. 2, lines 24-34 and col. 3, lines 62-67).

Regarding claim 7, Ichinokawa discloses in figures 1-3, an imaging system (100), wherein the holding unit (1a) includes a tilting unit tilting an imaging surface of the image picking-up device (37) (col. 4, lines 67 and col. 5, lines 1-6), and wherein the driving unit (23) and the guide member (11) are arranged within a cylinder substantially containing the tilting unit (col. 4, lines 67 and col. 5, lines 1-6) but does not specifically disclose the driving unit and the guide member are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the driving unit and the guide member come relatively close to the holding unit. Shimazaki et al. discloses, in figure 1, wherein the driving unit (10) and the guide member (31 and 32) are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the driving unit and the guide member come relatively close to the holding unit (11) (col. 2, lines 24-34 and col. 3, lines 62-67). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Ichinokawa with the driving unit of Shimazaki et al. for the purpose of moving the holding unit in the optical axis direction (col. 2, lines 24-34 and col. 3, lines 62-67).

Response to Arguments

3. Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandi N Thomas
Examiner
Art Unit 2873

BNT

ALICIA M. HARRINGTON
PRIMARY EXAMINER

